

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2523 OF 2005

Ramesh Govind Belkhede

... Petitioner

v/s

State of Maharashtra and ors.

... Respondents

Mr C.G. Gavnekar with Mr G.S. Hiranandani for
Petitioner.

Mr M.H. Solkar, AGP for Respondent Nos.1 to 3.

Mr A.P. Vanarse i/b Ms S. Dongre for Respondent No.4.

CORAM : **D.K. DESHMUKH J.**

DATE : **24TH AUGUST 2005.**

P.C.

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1. Rule, returnable forthwith. Heard finally by consent of parties.

2. The order impugned is passed on the application at Exh.32. Perusal of the application at Exh.32 shows that that application was filed by the respondent No.4 for adjournment. The respondent No.4 had applied to the Court for grant of time for making third party application. The application was opposed by the present petitioner. According to the present petitioner, the respondent No.4 had no locus standi and that the matter was at the stage of arguments. By the impugned order, the Trial Court directed the plaintiffs to join respondent No.4 as defendant when admittedly there was no application made by the respondent No.4 for being joined as defendant. The impugned order suffers from non-application of mind and it appears to have been passed in a most casual manner not befitting a judicial officer. In the result therefore, petition succeeds and is allowed. Rule is made absolute in terms of prayer clause (a). No order as to costs.

. Parties to act on the copy of this order duly

authenticated by the Sheristedar / Personal Secretary of
this Court as true copy.

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Certified copy expedited.
